

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KWASI OKOFFO ASSENSO,
Petitioner,

vs.

ALBERTO GONZALES,
Attorney General, *et al.*,
Respondent.

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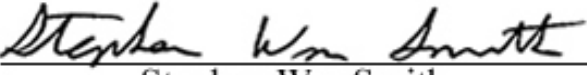
CIVIL ACTION H-07-702

MEMORANDUM AND RECOMMENDATION

Respondents have filed a motion to dismiss asserting that petitioner Kwasi Okoffo Assenso is no longer in United States custody. (Dkt. 12). Petitioner was ordered removed from the United States on July 6, 2006. Attached to respondents' motion is a sworn affidavit by Shawn Byers, deportation officer for the U.S. Immigration and Customs Enforcement. Byers swears that a warrant of removal was executed and petitioner Kwasi Okoffo Assenso, A99613356, was removed from the United States to Ghana on March 28, 2007.

Because petitioner is no longer in custody, this court recommends that Assenso's petition for habeas corpus be dismissed as moot. The parties have ten days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* Rule 8(b) of the Rules Governing Section 2254 Cases; 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72.

Signed at Houston, Texas on May 17, 2007.



Stephen Wm Smith
United States Magistrate Judge